

ORDINANCE NO. 81-9

AN ORDINANCE TO DISCOURAGE AND PROHIBIT DISCRIMINATION
BECAUSE OF RACE, COLOR, RELIGION, ANCESTRY, OR NATIONAL
ORIGIN AS TO THE AVAILABILITY, PURCHASE OR RENTING OF
HOUSING

WHEREAS, it is the policy of the City of Lebanon, Indiana to discourage and prohibit within the city all discrimination by reason of race, color, religion, ancestry, or national origin in the availability, sale, purchase, and renting of housing.

IT IS THEREOFRE ORDAINED BY THE COMMON COUNCIL OF THE CITY OF LEBANON, INDIANA:

Section I. The following actions are hereby declared to be unlawful:

1. It shall be unlawful for any real estate broker, agent or salesman to refuse to negotiate for the sale, purchase, lease or rental of any housing unit; to represent that any housing unit is not available when in fact it is available; or to otherwise take any action to deny or withhold any housing unit from any person by reason of race, color, religion, ancestry, or nation origin.
2. It shall be unlawful for any real estate broker, salesman, or agent or for any owner, lender or appraiser, or any other person involved in the negotiation for sale or rental of any housing unit to discriminate by making any distinction in the terms and conditions of any sale or rental of any housing unit by reason of the race, color, religion, ancentry, or national origin of the proposed purchaser or renter.
3. It shall further be unlawful for any person, in any capacity to aid or participate in any discrimination be reason of race, color, religion, ancestry, or national origin in holding out the availability of any housing unit or in setting the terms and conditions of the purchase or lease of any housing unit.

Section II. The provisions of Section I of this ordinance shall not be applicable in the following situations:

1. Any individual, married couple, or combination of individuals who own a single-family home and occupy said home as their residence shall be permitted to sell said home themselves without being bound by the provisions of this ordinance.
2. Any individual, married couple, or combination of individuals who own a dwelling or apartment building in which there is located other apartments, not to exceed four in number, and who occupy said building as their residence may sell or rent said dwelling house or apartment building or any portion thereof themselves without being bound by the provisions of this ordinance.

Section III. This ordinance shall be enforced using the following procedure:

1. A complaint charging a violation of this ordinance may be filed with the Board of Public Works and Safety of the City of Lebanon, Indiana by any person claiming to be aggrieved by such alleged violation or by the Board, if it has reasonable cause to believe that the person has violated this ordinance. Such complaint shall be filed within 90 days of the date on which such violation is alleged to have occured. Each complaint shall be in writing and signed by the charging party, shall identify the person alleged to have committed the violation complained of, ans shall set forth the facts relating thereto and such other information as the Board may need to assist the clerical preparation of such complaints.
2. The Board of Public Works and Safety shall make prompt and full investigation of each complaint of an unlawful housing practice. Such investigation shall be initiated within ten (10) days of receipt of a complaint.
3. If the Board of Public Works and Safety determines after investigation that the probable cause exists for the allegations made in the compalint, it shall attempt to eliminate the alleged unlawful housing practice by means of conciliation and persuasion. The Board shall not make public the details of any conciliation proceeding, but it may publish the terms of conciliation when a complaint has been satisfactorily adjusted.
4. In any case of failure to eliminate the alleged unlawful housing practice charged in the complaint by means of conciliation or persuasion, the Board shall within a reasonable time hold a public hearing to determine whether or not an unlawful housing practice has been committed. The Board shall serve upon the person charged with having engaged or engaging in the unlawful housing practice, hereinafter referred to as the respondent, a statement of the charges made in the complaint and a notice of the time and place of hearing. The hearing shall be held not less than ten (10) days after service of the statement of charges upon the party alleged to have committed the violation complained of, and such respondent shall have the right to appear at the hearing in person or to be represented by an attorney or any other person and to have the right to examine and cross-examine witnesses.
5. If upon all the evidence presented, the Board of Public Works and Safety finds that the respondent has not engaged in any unlawful housing practice, it shall state its findings of fact and dismiss the complaint. If upon all the evidence presented the Board finds that the respondent has engaged, or is engaging, in an unlawful housing practice, it shall state its findings of fact and shall deliver a copy thereof to the respondent.
6. If within ten (10) days the respondent has failed to correct or eliminate the unlawful housing practice to the satisfaction of the Board the entire record of the case shall be certified by the Board of Public Works and Safety to the City Attorney for such action as may be warranted by the facts, and